

EXHIBIT 1

1

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 No. 1:14-cr-10143-WGY

4

5 UNITED STATES OF AMERICA

6

7 vs.

8

9 JOSH A. WAIRI

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12

13 For Jury Trial Before:  
14 Judge William G. Young

15 **EXCERPT TRANSCRIPT:**  
16 Scott Kelley Testimony  
17 "After JAW2222@hotmail.com language"

18

19 United States District Court  
20 District of Massachusetts (Boston)  
21 One Courthouse Way  
22 Boston, Massachusetts 02210  
23 April 29, 2015

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27 REPORTER: RICHARD H. ROMANOW, RPR  
28 Official Court Reporter  
29 United States District Court  
30 One Courthouse Way, Room 5510, Boston, MA 02210  
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1 P R O C E E D I N G S

2 (A portion of the direct examination of Inspector  
3 Kelley by Ms. Sullivan.)

4 (EXCERPT begins.)

5 Q. And what was the secondary e-mail account?

6 A. It was JAW2222@hotmail.com.

7 Q. And, by the way, did your investigation reveal  
8 what Mr. Wairi's initials are?

9 A. Yes.

10 Q. What are they?

11 A. "JAW."

12 Q. During the course of your interview with the  
13 defendant, according to Josh Wairi what did he use the  
14 "hottjamess," with two "Ts" and two "Ss," "@aim.com,"  
15 e-mail account to do?

16 A. He used that e-mail address to trade and to  
17 receive, um, images of child pornography.

18 Q. And when you say "trade and receive," are you  
19 talking about distribution as well?

20 A. Correct.

21 Q. And what did he recall he traded those images  
22 with, how many other users?

23 A. There were several users that he's met, um,  
24 through a website that was a place where he could meet  
25 other people to share and trade in child pornography

1 images.

2 Q. And during the interview how many did he recall  
3 trading the images with, including how many users, by  
4 e-mail, if you know, and if you don't you can refer to  
5 your report.

6 A. I'd have to refer to my report.

7 Q. Do you think that would refresh your memory?

8 A. Yes.

9 Q. I direct your attention to Page 2, the last  
10 paragraph, the first couple of lines.

11 A. (Reads.) He traded images with about 10 other  
12 users.

13 Q. And how did he do so?

14 A. By e-mail.

15 Q. Okay. And how did he meet these people to trade  
16 images?

17 A. On a website.

18 Q. Okay. And was it a particular website?

19 A. It was.

20 Q. And are you familiar with that website?

21 A. I am.

22 Q. How are you familiar with that, Inspector Kelley?

23 A. The website is a common site where people who have  
24 an interest in child pornography, um -- it's a file-  
25 sharing website, um, run out of Russia. Excuse me.

1 It's run out of Russia.

2 Q. And what's the name of it?

3 A. "Image Source."

4 Q. Does it have an acronym that it goes by?

5 A. It does.

6 Q. And would that be "i," small "i," capital  
7 "MGSRC.ru"?

8 A. That's correct.

9 Q. And have you seen that website in your capacity as  
10 a inspector investigating child exploitation cases?

11 A. Yes, I have.

12 Q. (Pause.) And according to Josh Wairi, how long  
13 was he a member of that particular Russian website?

14 A. For just over a year.

15 Q. And when, according to Josh Wairi, did he stop  
16 using that "Image Source" international website?

17 A. When he moved into his new residence at 65 Beacon  
18 Street, so on or about September of 2013.

19 Q. And what did Josh Wairi tell you, um, he did when  
20 he lived in his mother's house at 88 Wheatland Street in  
21 connection with this "Image Source" Russian website?

22 A. That he uploaded images to the Image Source  
23 website.

24 Q. And what did he admit his, um, screen name was  
25 when he utilized this Image Source website?

1 A. The hottjamess@aim.com.

2 Q. Did you show anything to Josh Wairi, during the  
3 course of the interview, relative to that particular  
4 website, the Image Source website?

5 A. Yes, I did.

6 Q. And what did you show him, Inspector Kelley?

7 A. I took a screen capture that, um, I took from a  
8 profile with that name.

9 Q. And where did you capture that?

10 A. I took it from the Image Source website.

11 Q. And when did you do that?

12 A. On the days leading up to the execution of the  
13 search warrant.

14 Q. Okay. I'm going to approach you with what has  
15 been marked for identification as A and I'm going to ask  
16 you if you recognize that item, sir?

17 A. I do.

18 Q. What do you recognize it to be?

19 A. This is a copy of a screen shot that I took from  
20 the Image Source website and it has the profile, um, on  
21 Image Source that says "The Image Source albums of  
22 hottjamess," H-O-T-T-J-A-M-E-S-S.

23 Q. And, Inspector, why did you take a screen shot  
24 capture of that particular website prior to the  
25 execution of the search warrant?

1 A. Because the e-mail address associated with this  
2 Image Source account is "hottjamess1@gmail.com."

3 Q. And what if anything did you ask Mr. Wairi to do  
4 when you showed him that document on the date of the  
5 execution of the search warrant?

6 A. I showed this to Josh Wairi and asked him if he  
7 recognized it, he said that he did and he said that this  
8 was actually his profile and that was his e-mail address  
9 that was on there.

10 Q. And he admitted that he uploaded what to that  
11 website?

12 A. He admitted he uploaded about 8 to 10, um, images  
13 or videos of child pornography to this website.

14 Q. Let me ask you, um, do you recall specifically him  
15 saying "8 to 10"?

16 A. I believe it was "8 to 10."

17 Q. Okay. If I showed you your report --

18 MS. SULLIVAN: Well, with the Court's permission,  
19 might I show him Page 2 of his report?

20 THE COURT: You may.

21 Q. I direct your attention to Page 2 of your report,  
22 Inspector Kelley, and again we're on the bottom  
23 paragraph, and at this time I'd ask to direct your  
24 attention to the middle of it.

25 A. (Looks.) "He estimated he uploaded approximately

1 10 to 12 images."

2 Q. Okay. But after he had a problem with his, um,  
3 "aim" account, according to Mr. Wairi, did he change his  
4 e-mail account on this Image Source website?

5 A. He did.

6 Q. And what did he change it to?

7 A. Under the Image Source profile it says "User  
8 Info," with a few stars, and it says, in capital  
9 letters, "NEW E-MAIL ADDRESS," three more stars, um --  
10 and let's see.

11 Do you want the user info or do you want the actual  
12 e-mail address?

13 Q. Um, the e-mail address.

14 A. Oh, I'm sorry. I apologize. The e-mail address  
15 being "hott," H-O-T-T, "Jamess," J-A-M-E-S-S, "1,"  
16 "@gmail.com."

17 Q. Okay. And according to Mr. Wairi what did he  
18 admit to need that e-mail account in his profile, for  
19 what purpose?

20 A. Because he had a new -- he was locked out of his  
21 other e-mail address and now this was a new e-mail  
22 address.

23 Q. And did he post that new e-mail account on his  
24 profile for that Image Source?

25 A. Yes.

1 Q. For others to view?

2 A. Yes, he did.

3 Q. Let me ask you about the name "James Smanthy,"  
4 S-M-A-N-T-H-Y.

5 Did you ask Josh Wairi about that name?

6 A. Yes, I did.

7 Q. What if anything did he tell you?

8 A. He said it was a name that he just made up.

9 Q. To use with what?

10 A. For his Image Source account and his e-mail  
11 address.

12 Q. And so when you provided that screen capture of  
13 that Image Source account for his review, he initialed  
14 it?

15 A. He did.

16 Q. And what if anything did he say about recognition  
17 of that?

18 A. He said that it was actually his screen name, it  
19 was his account, and he was the one that placed these on  
20 there, this information on this profile.

21 Q. And what's the subject line of that Image Source  
22 account read?

23 A. The user info one?

24 Q. Yes.

25 A. It says -- there's three stars, it says, capital

1 letters, "NEW E-MAIL ADDRESS," three more stars, capital  
2 "I," under the word "LOVE," all capitals, "BOYS, 8-13."  
3 "Send me pics and videos and I will send back," period.  
4 I HAVE A TON," all capitals, "T-O-N," "of pictures and  
5 videos," period. "This is my first time," period.  
6 "Happy browsing!", exclamation.

7 (EXCERPT ends.)

8

9 C E R T I F I C A T E

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11 I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER,  
12 do hereby certify that the foregoing record is a true  
13 and accurate transcription of my stenographic notes, of  
14 the aforementioned EXCERPT, before Judge William G.  
15 Young, on April 29, 2015, to the best of my skill and  
16 ability.

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19 /s/ Richard H. Romanow 05-11-15

20 RICHARD H. ROMANOW Date

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